

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Transportation and Interstate Cooperation, to which was referred House Bill No. 1671, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
- 3 "SECTION 1. IC 8-22-2-5, AS AMENDED BY P.L.29-1999,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2001]: Sec. 5. (a) The board may adopt and use a seal.
6 Applications, assurances, contracts, and other instruments necessary in
7 the board's performance of its duties and the exercise of its powers may
8 be executed in its name or in the name of the eligible entity, as the case
9 may be, by the president or vice president of the board and attested by
10 its secretary or assistant secretary. However, the board may by
11 resolution prescribe another method of execution.
- 12 (b) The board, on behalf of the eligible entity, exclusively has the
13 following powers:
- 14 (1) To acquire, establish, construct, improve, equip, maintain,
15 control, lease, and regulate municipal airports and landing fields
16 and other air navigation facilities, for the use of airplanes and
17 other aircraft, either inside or outside the corporate limits of the
18 entity, subject to statutory limitations; to acquire by lease (with or
19 without the option to purchase) airports, landing fields, air
20 navigation facilities, and any other structures, equipment, and

1 related improvements; and to erect, install, construct and maintain
2 at those airports facilities for the servicing of aircraft and for the
3 comfort and accommodation of air travelers and the public; and
4 the fiscal body of the entity may by ordinance provide that any
5 land suitable for these purposes that is owned by the entity shall
6 be put under the control of the board of aviation commissioners
7 for aviation and public purposes. However, if at the time of the
8 creation, appointment, and qualification of the board in an entity,
9 the entity owns or controls an airport, landing field, or other air
10 navigation facilities, then the exclusive control, management, and
11 authority over the airport, landing field, or other air navigation
12 facilities shall at once be transferred to the board without the
13 adoption of an ordinance; and the department, board, officer, or
14 officers of the entity, or other persons having possession or
15 control, shall at once turn over and deliver to the board all
16 personal property, records, books, plans, maps, and other papers
17 and documents relating to the aviation business of the entity. The
18 unexpended balance of any fund or funds appropriated by the
19 entity for aviation purposes becomes a part of the aviation fund of
20 the department of aviation. Before land may be purchased by an
21 entity for the establishment of an airport or landing field or an
22 airport or landing field may be established by an entity the action
23 or acquisition of land must be granted by the aeronautics
24 commission of Indiana.

25 (2) To elect a secretary from its membership or to employ a
26 secretary, and to employ superintendents, managers, engineers,
27 surveyors, attorneys, clerks, guards, mechanics, laborers, and all
28 employees the board considers expedient, and to prescribe and
29 assign their respective duties and authorities and to fix and
30 regulate their compensation, in accordance with the
31 appropriations made by the fiscal body of the entity. All
32 employees shall be selected irrespective of their political
33 affiliations.

34 (3) To make rules and regulations, consistent with law, for the
35 management and control of its airports, landing fields, air
36 navigation facilities, and other property under its control. The
37 board may require a special detail of police or hire guards to
38 execute the orders and enforce the rules and regulations.

39 (4) To acquire by lease the use of an airport or landing field for
40 aircraft pending the acquisition and improvement of an airport or
41 landing field. However, a lease must be approved by ordinance or
42 resolution of the fiscal body of the entity before it takes effect.

(5) To manage and operate all airports, landing fields, and other air navigation facilities acquired or maintained by the entity; and to lease all or part of an airport, landing field, or any buildings or other structures to fix, charge, and collect rentals, tolls, fees, and charges to be paid for the use of the whole or a part of the airports, landing fields, or other air navigation facilities by aircraft landing there and for the servicing of the aircraft; to construct public recreational facilities that will not interfere with air operational facilities; to fix, charge, and collect fees for public admissions and privileges; to make contracts for the operation and management of the airports, landing fields, and other air navigation facilities; and to provide for the use, management, and operation of the air navigation facilities through lessees, through its own employees, or otherwise. Contracts or leases for the maintenance, operation, or use of the airport or any part of it may be made for a term not exceeding fifteen (15) years, and may be extended for similar terms of years, except that any parcels of the land of the airport may be leased for any use connected with the operation and convenience of the airport for an initial term not exceeding forty (40) years, and may be extended for a period not to exceed ten (10) years. If a person whose character, experience, and financial responsibility has been determined satisfactory by the board offers to erect a permanent structure that facilitates and is consistent with the operation, use, and purpose of the airport, on land belonging to the airport. A lease may be entered into for a period not to exceed ninety-nine (99) years. However, the fiscal body must pass an ordinance authorizing the board to enter into such a lease. The board may not grant an exclusive right for the use of a landing area under its jurisdiction. However, this does not prevent the making of leases in accordance with other provisions of this chapter. All contracts and leases are subject to restrictions and conditions that the board prescribes.

(6) To sell machinery, equipment, or material under the control of the board belonging to the eligible entity that is not required for aviation purposes. The proceeds shall be deposited with the entity's treasurer or controller to the credit of the department of aviation.

(7) To negotiate and execute contracts of sale or purchase, lease, personal services, materials, supplies, equipment, or any other transaction or business relative to an airport under the board's control. However, whenever the board determines to sell part or all of aviation lands or improvements owned by the eligible entity,

1 the sale must be in accordance with section 8 of this chapter.

2 (8) To vacate all or parts of roads, highways, streets, or alleys in
3 land under control of the board in the manner provided by statute.

4 (9) To approve, together with the fiscal body of the entity, any
5 state, county, city, or other highway, road, street, or other public
6 way, railroad, power line, or other right of way that may be laid
7 out or opened across an airport or in such proximity as to affect
8 the safe operation of the airport.

9 (10) To construct drainage and sanitary sewers with connections
10 and outlets as are necessary for the proper drainage and
11 maintenance of an airport or landing field acquired or maintained
12 under this chapter, including the necessary buildings and
13 improvements and for the public use of them, in the same manner
14 that the eligible entity may construct sewers and drains. However,
15 with respect to the construction of drains and sanitary sewers
16 beyond the boundaries of the airport or landing field, the board
17 shall proceed in the same manner as private owners of property
18 and may institute proceedings and negotiate with the departments,
19 bodies, and officers of the entity to secure the proper orders and
20 approvals.

21 (11) To order a public utility or public service corporation or
22 other person to remove or to install in underground conduits,
23 wires, cables, and power lines passing through or over the airport
24 or landing field or along the borders or within a reasonable
25 distance that may be determined to be necessary for the safety of
26 operations of the airport or landing field, upon payment to the
27 utility or other person due compensation for the expense of the
28 removal or reinstallation. The board must consent to any franchise
29 granted by state or local authorities for the construction or
30 maintenance of any railway, telephone, telegraph, electric power,
31 pipe, or conduit line upon, over, or through land under the control
32 of the board or within a reasonable distance of land that is
33 necessary for the safety of operation. The board must also consent
34 to the installation of overhead electric power lines carrying a
35 voltage of over forty-four hundred (4,400) volts and having poles,
36 standards, or supports over thirty (30) feet in height within
37 one-half (1/2) mile of a landing area acquired or maintained under
38 this chapter.

39 (12) To contract with any other state agency or instrumentality or
40 any political subdivision for the rendition of services, the rental
41 or use of equipment or facilities, or the joint purchase and use of
42 equipment or facilities that are necessary for the operation,

1 maintenance, or construction of an airport operated under this
 2 chapter.

3 **(13) To enter into agreements and joint contracts with other**
 4 **boards to promote and encourage aviation related trade,**
 5 **education, or commerce.**

6 SECTION 2. IC 8-22-2-8 IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2001]: Sec. 8. **(a)** If the board wishes to sell
 8 part or the whole of the aviation land or improvements owned by the
 9 eligible entity, it may prepare an ordinance authorizing the sale and
 10 submit it to the fiscal body of the entity. If the fiscal body passes the
 11 ordinance, the land or improvements shall be sold as other lands or
 12 improvements of the entity are sold, and the proceeds of the sale shall
 13 be deposited in the aviation fund of the entity.

14 **(b) If the board negotiates an agreement to sell trees situated in**
 15 **woods or forest areas owned by the board, the trees are considered**
 16 **to be personal property of the board for severance or sale."**

17 Page 3, line 11, after "." insert "**If the board negotiates an**
 18 **agreement to sell trees situated in woods or forest areas owned by**
 19 **the board, the trees are considered to be personal property of the**
 20 **board for severance or sale."**

21 Page 6, line 12, after "trade" insert ", **education,**".

22 Renumber all SECTIONS consecutively.

(Reference is to HB 1671 as printed February 20, 2001.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Riegsecker, Chairperson